

NEW SECTION

WAC 220-40-02700H Salmon -- Willapa Bay fall fishery.

Notwithstanding the provisions of WAC 220-40-027, effective immediately through December 31, 2006, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon and sturgeon. All non-legal sturgeon and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay:

| Time | Area |
|---|--|
| 6:00 p.m. September 17 through 6:00 p.m. September 23, 2006 | Area 2G east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach, Area 2H west of Willapa Channel Marker 40, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M. |
| 6:00 p.m. September 21, 2006, through 6:00 p.m. September 22, 2006, 6:00 p.m. September 27, 2006, through 6:00 p.m. September 28, 2006 | Area 2K. |
| 6:00 p.m. September 23, 2006, through 6:00 p.m. September 28, 2006 | Area 2G east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach, Area 2H, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M. |
| 6:00 p.m. October 1, 2006 through 6:00 p.m. October 7, 2006 | Area 2G east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach, Area 2H, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M. |
| 6:00 a.m. October 22, 2006, through 6:00 p.m. October 22, 2006 | Area 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M. |

6:00 p.m. November 15, 2006,
through
6:00 p.m. November 17, 2006

Area 2G east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach, Area 2H west of Willapa Channel Marker 40, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M.

Noon, November 6, 2006,
through 6:00 p.m. November 15,
2006 and 6:00 p.m. November 17,
2006 through Noon November
30, 2006

Areas 2G, 2H, 2J and 2M

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

(3) Gill net gear restrictions - All areas:

- (a) Drift gill net gear only. It is unlawful to use set net gear.
- (b) September 1 through October 7, 2006 - 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure breakaway panels.
- (c) October 8 through October 31, 2006 – 6 1/2 inch maximum mesh.
- (d) November 1 through November 30, 2006 - 9-inch minimum mesh except 6:00 p.m. November 15 through 6:00 p.m. November 17, 2006 (coho directed) use 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure breakaway panels

Other

(4) Quick Reporting required for wholesale dealers and fishers retailing their fish (WAC 220-69-240) by 10:00 a.m. the day following landing.

(5) The NOAA Fisheries listed the southern population of green sturgeon as threatened under the Endangered Species Act effective July 6, 2006. Most of the green sturgeon taken in Washington fisheries are from the southern population. Therefore, **the retention of green sturgeon is prohibited to protect this federally listed stock**

R E P E A L E R

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02700G Willapa Bay salmon—fall fishery. (06-226)

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

☒ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

☐ (b) That state or federal law or federal rule a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: This emergency regulation is necessary because an agreement was not reached during the expedited rule process at North of Falcon. Negotiations have continued and now we need to adopt our non-treaty commercial fishery regulations for the upcoming fall season. There is insufficient time to promulgate permanent rules. **(06-246, 9/21/2006)**